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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,080	03/26/2001	Michael S. Terretta	267665.0022	2258

7590 07/27/2004

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EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/817,080	TERRETTA, MICHAEL S.	
	Examiner	Art Unit	
	David Lazaro	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/17/01</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 are pending in this Office Action.

Priority

2. This application claims priority from Provisional Application 60211310 (06/13/2000).

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 12/17/01 has been considered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 2, 6-12, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,505,240 by Blumenau (Blumenau).
6. With respect to Claim 1, Blumenau teaches a system for delivering content to a user (Col. 1 lines 9-15); comprising: a. encoder for receiving and encoding a multimedia file (The examiner notes that an encoder is inherent as the multimedia data is represented in digital format appropriate for transmission on a networks - Col. 1 lines 26-36 and Col. 4 lines 34-40 - such as the Internet - Col. 3 lines 9-14 - and for situations such as "on-demand" access - Col. 8 lines 48-50.); b. synchronization means in communication with said encoder, said synchronization means adapted to synchronize ancillary information with said multimedia file (Col. 9 lines 20-53); c. display unit for displaying said multimedia file (Col. 4 lines 40-43); and d. personalization means in communication with said display unit, said personalization means utilizing said ancillary information to select ancillary content for display by said display unit in synchronization with said multimedia file (Col. 9 lines 20-35).
7. With respect to Claim 2, Blumenau teaches all the limitations of Claim 1 and further teaches A wherein said multimedia file is selected from the group consisting of live, taped live and on-demand files (Col. 7 lines 30-42 and Col. 8 lines 48-50).
8. With respect to Claim 6, Blumenau teaches all the limitations of Claim 1 and further teaches wherein said ancillary information is selected from the group consisting of a category of goods, a category of services, background information concerning said multimedia file, and combinations thereof.

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9. With respect to Claim 7, Blumenau teaches all the limitations of Claim 1 and further teaches wherein said synchronization means is associated with a computer system for input of said synchronized ancillary information (Col. 9 lines 20-49 and Col. 3 lines 9-14).

10. With respect to Claim 8, Blumenau teaches all the limitations of Claim 1 and further teaches wherein said display unit includes a computer monitor communicating across a computer network to access said encoded multimedia file (Col. 4 lines 40-43 and Col. 3 lines 9-14).

11. With respect to Claim 9, Blumenau teaches all the limitations of Claim 1 and further teaches wherein said personalization means includes a user database that contains user information concerning a user of said display unit (Col. 10 lines 10-24 and Col. 12 lines 1-12).

12. With respect to Claim 10, Blumenau teaches all the limitations of Claim 9 and further teaches wherein said user information includes user preferences supplied to said user database by said user (Col. 10 lines 10-24 and Col. 12 lines 1-12).

13. With respect to Claim 11, Blumenau teaches all the limitations of Claim 1 and further teaches wherein said personalization means includes a commerce database that contains said ancillary content (Col. 7 lines 42-53 and Col. 8 lines 1-28).

14. With respect to Claim 12, Blumenau teaches all the limitations of Claim 11 and further teaches wherein said commerce database contains a plurality of ancillary content items associated with each of said ancillary information (Col. 7 lines 42-53 and Col. 8 lines 1-28).

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15. With respect to Claim 15, Blumenau teaches a method for facilitating targeted communication (Col. 8 lines 8-12), comprising: a. providing an encoded multimedia file that includes multimedia content (The examiner notes that encoding is inherent as the multimedia data is represented in digital format appropriate for transmission on a networks - Col. 1 lines 26-36 and Col. 4 lines 34-40 - such as the Internet - Col. 3 lines 9-14 - and for situations such as "on-demand" access - Col. 8 lines 48-50.) and synchronized ancillary information (Col. 9 lines 20-53); b. selecting ancillary content from a commerce database (Col. 7 lines 42-53) based on said ancillary information for display with said multimedia content (Col. 9 lines 20-53), said selection being based at least in part upon personal information concerning a recipient of said encoded multimedia file (Col. 10 lines 10-24 and Col. 12 lines 1-12).

16. With respect to Claim 17, Blumenau teaches all the limitations of Claim 15 and further teaches wherein said selection is effectuated in real time (Col. 9 lines 20-35 and Col. 12 lines 1-12).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 3, 5, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumenau in view of "Time Changes Everything" by Janus Boye from tech.irt.org (Boye).

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19. With respect to Claim 3, Blumenau teaches all the limitations of Claim 1 but does not explicitly disclose encoding in advanced streaming format. Boye teaches encoding in advanced streaming format (p. 4-5, ASF section). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Blumenau and modify it as indicated by Boye such that the encoder encodes said multimedia file in advanced streaming format. One would be motivated to have this as advanced streaming format provides efficient media playback over networks such as the Internet (p.4, ASF section, 2nd paragraph, in Boye).

20. With respect to Claim 5, Blumenau teaches all the limitations of Claim 1 but does not explicitly disclose utilizing timed interactive multimedia extension technology to synchronize. Boye teaches the use of timed interactive multimedia extension technology to synchronize content elements such as video, audio, and still images (p.5-6, HTML+Time). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Blumenau and modify it as indicated by Boye such that said synchronization means utilizes timed interactive multimedia extension technology to synchronize said ancillary information with said multimedia file. One would be motivated to have this as it is easily incorporated into existing network (such as the Internet) environments (p. 6, HTML+Time, last paragraph, in Boye).

21. With respect to Claim 16, Blumenau teaches all the limitations of Claim 15 but does not explicitly disclose using timed interactive multimedia extension. Boye teaches the use of timed interactive multimedia extension technology to synchronize content elements such as video, audio, and still images (p.5-6, HTML+Time). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by

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Blumenau and modify it as indicated by Boye such that said synchronized ancillary information is associated with said multimedia content using timed interactive multimedia extension. One would be motivated to have this as it is easily incorporated into existing network application environments such as the Internet (p. 6, HTML+Time, last paragraph, in Boye).

22. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blumenau in view of Applicant's admitted prior art. Blumenau teaches all the limitations of Claim 1 but does not explicitly disclose receiving said multimedia file via satellite transmission. However, Applicant's admitted prior art states "Technology for transmitting data to and from satellites is well known to those of skill in the art" (Page 10 of Specification, Lines 5-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Blumenau and modify it as indicated by the Applicant's admitted prior art such that said encoder receives said multimedia file via satellite transmission. One would be motivated to have this as it is well known in the art as admitted by the Applicant (Page 10 of Specification, Lines 5-6).

23. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumenau in view of U.S. Patent 6,018,768 by Ullman et al. (Ullman).

24. With respect to Claim 13, Blumenau teaches all the limitations of Claim 1 and further teaches that multiple selections of ancillary content may be displayed for the user (Col. 7 lines 30-67). Blumenau does not explicitly disclose an interactive list block to be displayed to allow the user to select ancillary content for subsequent attention. Ullman teaches the

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use of an interactive list block to be displayed that contains ancillary content in relation to a video program (Col. 10 lines 33-49). The interactive list block permits a user to select ancillary content for subsequent action (Col. 10 lines 40-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Blumenau and modify it as indicated by Ullman such that the system further comprises an interactive list block that is displayed on said display unit and that permits a user to select ancillary content for subsequent attention. One would be motivated to have this as there is need for a wider, richer experience integrating audio/visual and textual database elements into an organized unique interactive, education, entertainment experience (Col. 1 lines 43-50 of Ullman)

25. With respect to Claim 14, Blumenau in view of Ullman teaches all the limitations of Claim 13 and further teaches said list block is adapted to function as a navigation bar by said user (Col. 10 lines 40-58 of Ullman).

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

27. U.S. Patent 6,301,619 by Segman "System and method for providing service of sending real time electronic information to selected individual viewers of transmitted video or computerized signals" October 9, 2001. Discloses real time interactive system of monitoring viewer attributes such that additional information can be matched and sent along with the primary information.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 703-305-4868. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Lazaro
July 20, 2004



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